Free Compulsory Primary Education Bill.

Mr. K. T. Mathew.—I move that the Cochin Free Compulsory Primary Education Bill be referred to a select committee consisting of Messrs. A. Sankara Menon, A. Sankara Poduval, Dr. A. R. Menon, P. Kumaran Ezhuthassan, Joseph Pettah, T. K. Nayar, the Government Members and the mover.

Mr. T. A. Ramachandra Ayyar.—I second it.

Mr. K. M. Ibrahim.—I propose the name of Mr. Ramachandra Ayyar.

Mr. I. N. Menon.—Much as the Government sympathise with this measure, as evidenced from the educational policy of the Government for the last few years, and much as I personally sympathise with it as evidenced from sections 127 to 29 of the Educational Survey Report I am constrained to oppose the commital of this Bill to a select committee. I would request the Hon'ble Members to understand that what I oppose on behalf of Government is not the bill itself but it is the appointing of a select committee to sit on this bill at this particular time. My reason, Sir, is that provisions very similar to those contained in the bill are embodied in my report of the survey, paragraphs 127 to 29, and these provisions are being considered by a special committee. In the second place, other aspects of elementary education are being examined by another expert committee, the Vernacular Education Committee. It stands to reason that this measure may wait till the reports of the two committees are available for the consideration of the Government and for the select committee which might have to be appointed when the bill is introduced later on.

മിസ്റ്റർ കെ. ടി. മാത്യു.—ഈ ബിൽ ഈ നിയമസഭയിൽ ഒന്നാമതായി അവതരിപ്പിച്ചതിനു ശേഷമാണു് ഗവമ്മെണ്ടു് കമ്മിറ്റികളുണ്ടാക്കിയിരിയ്ക്കുന്നതു്.

ഈ നിയമസഭയിൽ കൊണ്ടുവരുന്ന ബില്ലുകളം ആലോചിച്ചു തീർച്ചപ്പെടുത്തുവാൻ ഈ നിയമസഭയ്ക്കു സ്വാതന്ത്ര്യമുണ്ടായിരിയ്ക്കേണ്ടതാണു്. ഏതെങ്കിലും ഒരു ബിൽ ഈ നിയമസഭയിൽ കൊണ്ടുവന്നാൽ ആ ബില്ലിനേറയും അവശ്യത്തിനായി ഗവമ്മെണ്ടിൽനിന്നു ഒരു കമ്മിറ്റി നിയമിച്ചുവെന്നുള്ള കാരണം പറഞ്ഞു ബിൽ നീട്ടിക്കൊണ്ടു പോകണമെന്നാവശ്യപ്പെടുന്നതു ശരിയല്ല. നിയമസഭയ്ക്കുള്ള സ്വാതന്ത്ര്യവും അവകാശവും കമ്മിറ്റി നിയമനംമൂലം നശിപ്പിയ്ക്കുന്നു. ഓരോ ബില്ലുകളം വരുമ്പോഴും അതിലേയ്ക്കു ഗവമ്മെണ്ടു് കമ്മിറ്റികളം നിയമിച്ചു കൊണ്ടുപോകുന്ന നയം തുടർന്നുകൊണ്ടുപോയാൽ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളം നിയമസഭയ്ക്കു പ്രത്യേകിച്ചു യാതൊന്നും ചെയ്യുവാൻ സാധിയ്ക്കുന്നതല്ല. ഇക്കാര്യത്തിൽ മാത്രമല്ല, വേറെ മറ്റുചില കാര്യങ്ങ

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ളിലും ഗവൺമെണ്ടിന്റെ കമ്മിറ്റിനിയമനന്നയം ഇതുപോലെ പരിപാലിച്ചു കൊണ്ടുപോകുന്നതു കണ്ടു് വളരെ വ്യസനിയ്ക്കുന്നു.

നിയമസഭയിൽ വച്ചതന്നെ ഒരു ബില്ലിനെപ്പറ്റി അഭിപ്രായപ്പെടുവാനുള്ള സ്വാതന്ത്ര്യം ഈ നിയമസഭയ്ക്കും, അതിലെ അംഗങ്ങൾക്കും ഉണ്ടായിരിയ്ക്കണമെന്നും ആ സ്വാതന്ത്ര്യം നിങ്ങൾക്കുള്ളപ്പോൾ അതിനെ നിങ്ങൾ വിട്ടുകൊടുക്കാതെ പരിപാലിച്ചു കൊണ്ടുപോകണമെന്നും ഞാൻ നിയമസഭയിലെ അനുഭവജ്ഞസ്ഥ സാമാജികന്മാരെ ഈ അവസരത്തിൽ ഓർമ്മപ്പെടുത്തികൊള്ളുന്നു.

Point of Order:—*re-continuation of business disposed of under S. O. 26.*

Mr. A. Sankara Menon.—With the President's leave I may say that when this motion was made the other day I moved that the matter be passed over and that motion was passed and I request the President for a ruling whether the bill is still alive or dead. The motion was made under S. O. 26.

Mr. K. T. Mathew.—In this connection I have to refer to Standing Order 42 (3). The circumstances under which a bill is considered to have disposed of are mentioned there.

Mr. A. Sankara Menon.—Sir, under standing order 26 I think this bill must be taken to have been disposed of. This is the Standing Order:—"A motion that any sitting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech. If the motion is carried, the sitting or businees shall be adjourned or postponed accordingly or if the motion (carried the following portion should be carefully noted for my point of order is based on that portion) be that the Council pass to the business next in order in the statement of business, the business then under discussion shall be considered to be disposed of". Now my point is as this bill has been disposed of a previous meeting it is not to be considered by this council thereafter. There has been an end of this matter.

President.—What is the opinion of the Law Member?

Mr. Thomas Manjuran.—Sir, I am inclined to agree with the Hon'ble Member for Ernakulam. There are several cases mentioned in Sanding Order 26. "A motion that any sitting or business be adjourned or postponed or that the Council pass to the business next in order in the statement of business may be moved at any time and without previous notice as a distinct question but not so as to interrupt a speech". Then the result of the motion is stated. "If the motion is carried, the sitting or business shall be adjourned or postponed accordingly or if the motion carried be that the Council pass to the

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business next in order in the statement of business, the business then under discussion shall be considered to be disposed of". Standing Order 42 (3) is only a supplementary order that lays down the result of a direct vote on a motion. It says:—"when any one of the three motions of introduction, taking into consideration or passing of a bill is not carried the bill shall be deemed to have been rejected and it shall not be reintroduced within a period of one year from the date of such rejection". That is if any of these motions is put and not carried the bill is lost. It appears to me that the same will be the effect in the case of this motion also. That appears to have been the precedent in this Council. Therefore I think that the motion should be considered to have been lost.

Mr. P. Kumaran Ezhuthassan—Sir, I wish to point out a similar precedent of this House for your kind consideration. It has been stated by the Law Member that the precedent of this House has been in favour of the position that is pointed out by the Hon'ble Member for Ernakulam. But what I find from the proceedings is that the precedent has been quite to the contrary. I refer to the Proceedings of the Budget Session of 1103 appearing on page 856. The motion then before the House was for the appointment of a Select committee to consider the Cochin Tenancy Regulation Amendment Bill by the then Jenmi Member Mr. C. A. Kunhunni Raja as was done with regard to this Bill on a previous occasion on the motion of the Hon'ble Member for Ernakulam. Mr. Raja's motion for appointment of a Select Committee was passed over. There was a very long discussion and finally the motion under Standing Order 26 was carried. On page 874 it will be seen reported. It was agreed to and we come across the same motion in the next session, *i. e.*, the next legislative session of 1104 on page 335 of the Legislative session Proceedings of 1104 we find that Mr. Raja had sent up his Tenancy Regulation Amendment Bill and the motion that he wanted the House then to take up was to refer his Bill to a Select Committee and that was allowed and put on the Agenda.

Mr. Thomas Manjuran.—Was this point raised there?

Mr. P. Kumaran Ezhuthassan.—It was raised. In the Budget Session of 1103 under Standing Order 26 it was passed over. Then a similar motion was admitted by the President certainly on the ground that the bill has not died and it could be very well considered in the next session. The discussion clearly shows that in the Budget Session the point of order was raised. Finally it was passed over under Standing Order 26.

President.—We have no time to consider it today. I shall consider it and give a ruling tomorrow.

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